

Message Text

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PAGE 01 BONN 10905 020026Z

64/46

ACTION EUR-25

INFO OCT-01 ADP-00 CIAE-00 DODE-00 PM-07 INR-10 L-03

NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-15 USIA-15

MBFR-03 ACDA-19 IO-13 SAJ-01 NIC-01 RSR-01 /129 W

----- 114850

R 011032Z AUG 73

FM AMEMBASSY BONN

TO SECSTATE WASHDC 6611

INFO AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY WARSAW

UNCLAS BONN 10905

CORRECTED COPY (PARA 1)

E.O. 11652: N/A

TAGS: PINT, GW

SUBJECT: COURT RULES BASIC TREATY CONSTITUTIONAL

1. ON JULY 31 THE FEDERAL CONSTITUTIONAL COURT UNANIMOUSLY REJECTED BAVARIA'S CLAIM THAT THE FRG'S BASIC TREATY WITH THE GDR IS UNCONSTITUTIONAL. THE COURT'S OPINION ADDED THAT GERMANY, THOUGH DIVIDED, SURVIVED THE COLLAPSE OF 1945 AND AS SUCH IS A PROPER SUBJECT FOR INTERNATIONAL LAW, THAT BONN IS RESPONSIBLE FOR ALL GERMANY, THAT THE FRG MUST MAINTAIN ITS GOAL OF A REUNITED GERMANY, THAT THE BASIC TREATY DOES NOT PRECLUDE THIS UNITY, AND THAT THE GDR'S ORDER TO SHOOT ESCAPEES ALONG THE BORDER BETWEEN THE GDR AND THE FRG IS NOT IN KEEPING WITH THE BASIC TREATY.

2. ALL PARTIES HAVE GREETED THIS DECISION INCLUDING THE CSU. MINISTER PRESIDENT GOPPEL OF BAVARIA WELCOMED THE RULING BECAUSE BAVARIA HAD BEEN SUCCESSFUL AT LEAST IN HAVING THE COURT VIEW THE TREATY IN TERMS OF THE UNCLASSIFIED

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PAGE 02 BONN 10905 020026Z

CONSTITUTION AND ACCORDINGLY SET FORTH INTERPRETATIONS WHICH

WILL BE BINDING IN THE FUTURE.HILLENBRAND

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Disposition Approved on Date:
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Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
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